

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BRAD N. LEMOS,

Plaintiff,

v.

LOWE'S HOME CENTERS, INC.,

Defendant.

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Case No. 3:04-CV-07208

Judge Carr

STIPULATION OF DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(1)(ii), the Parties hereto stipulate and agree that this action, be, and the same hereby is, dismissed without prejudice, with each party to bear its own costs and attorney's fees, and provided that, if Plaintiff commences a new action based upon or including the same claims as alleged in this action against Defendant, the Court before which such new action is pending shall order Plaintiff to pay Defendant the costs of this action and shall stay the proceedings in the new action until Plaintiff has complied with the order.

/s/Jeffrey V. Hawkins, per telephone authority 12/15/04

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Attorney for Defendant
Lowe's Home Centers, Inc.

CERTIFICATE OF SERVICE

It is hereby certified that the forgoing has been filed via the electronic filing system on December 15, 2004, and served by regular U.S. mail, postage pre-paid, upon:

Jeffrey V. Hawkins
Hawkins Law Office, LLC
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Attorney for Plaintiff

Notice of filing will be performed by the Court's electronic filing system, and Parties may access the document through the electronic filing system.

/s/ David A. Kadela
David A. Kadela